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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KENNEDY, JOSHUA T

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/532,763

Applicant(s)

GIBSON ET AL.

Examiner

Joshua T. Kennedy

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jk

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-13 and 17 have been examined.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** *[emphasis added by examiner]* If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claims 1, 3-5, 8, and 9 are objected to because of the following informalities:

Claim 1, Line 14: "the fist" should be --the first--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 is incomplete because it omits the necessary structural cooperative relationship between the track and the "vehicle". Further, it is noted that no vehicle structure in addition to the previously recited track has been set forth. Accordingly, it is unclear how claim 17 further limits the track of claim 10. Since no other vehicle structure has ^{been} ~~be~~ set forth, does this mean that any "track" constitutes

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a "vehicle"? According to instant claim 17, the prior art need only possess a track to constitute a vehicle.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Seelbach et al (US 3,467,446).

As to Claims 1, 6, and 10. Seelbach et al disclose an articulated vehicle track comprising:

- i) a plurality of adjacent track links (Fig 2), each track link (1) including first and second track pins (2) arranged parallel to one another and passing through the track link (Fig 3), each track pin including a radially directed groove (17) towards an end thereof; and
- ii) a plurality of end connectors (5),

wherein the end connectors comprise:

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(a) a body portion including first and second side portions respectively at least partially defining first and second passageways (16), the first passageway receiving a first track pin (2) of a first track link and the second passageway being adapted to receive a second track pin (2) of an adjacent second track link (Fig 5), first and second intermediate portions disposed between the first and second side portions and a bore (Fig 7 shows a bore wherein the bolt (or screw) 30 passes through) passing through the first and second intermediate portions between and perpendicular to the track pins;

(b) a securing element comprising first (6) and second (20) arm portions arranged at an angle with respect to each other;

(c) a securing bolt (30) having a head portion (30a) and a shank portion which shank portion co-operates with the bore; and

(d) means for securing the securing bolt on the body portion
the first arm portion (6) being secured between an outer surface of the first intermediate portion and the head portion of the securing bolt (30a) and the second arm portion including opposed marginal edges which are arranged to partially penetrate or overlie the respective first and second passageways (Figs 4 and 6) and which first and second marginal edges co-operate with the respective radially directed grooves (17) of the track pins to retain the end connector on the track pins (Fig 5).

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As to Claims 2, 7, and 11. Seelbach et al disclose the bore and shank portion of the end connector have co-operating threads (Col 4, Lines 24-28).

As to Claims 3, 8, and 12. Seelbach et al disclose the first intermediate portion (6) of the end connectors is shorter than the second intermediate portion (5; As shown in Fig 3) in a direction parallel to the longitudinal axes of the track pins and an inner face of the second intermediate portion includes an abutment surface (19) operative to co-operate with a leading edge of the second arm portion (20) to resist movement of the second arm portion in a direction away from the body portion generally parallel to the longitudinal axes of the track pins.

As to Claims 4, 9, and 13. Seelbach et al disclose the abutment surface being defined by a wall of a channel (19) formed in said inner face which channel operatively receives the leading edge of the second arm portion (Fig 4).

As to Claim 5. Seelbach et al disclose the first arm portion including a hole for passage (Fig 7) through the first arm portion of the shank portion of the securing bolt.

As to Claim 17. Seelbach et al disclose a vehicle including an articulated track (Col 1, 29-38)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,910,990 to Delio cited to show a similar track connector having a body portion and securing bolt to secure 2 pins parallel to each other.

US 4,838,623 to Mineart cited to show a similar end connector having a body portion and securing bolt to secure 2 pins parallel to each other also having a securing element.

US 5,330,473 to Howland cited to show a fixation connector having 1 body secured to a second by a bolt.

US 4,136,913 to Pietzsch et al cited to show an end connector having grooves in the pins and corresponding grooves within the connector.

US 3,362,759 to Ley cited to show a similar end connector having a body portion and securing bolt to secure 2 pins parallel to each other also having a securing element fitted into grooves in the pins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTK
11/3/05

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" being more prominent than the last name "Stodola".

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600